

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 86 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE H.L.GOKHALE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

ARFIN INDIA LTD.

Versus

INDRAJEET ARJUNBHAI

Appearance:

MR SANJAY A MEHTA for Petitioners

MR CH VORA for Respondent No. 1

CORAM : MR.JUSTICE H.L.GOKHALE

Date of decision: 04/07/97

ORAL JUDGEMENT

Heard Mr. Sanjay Mehta for the appellant. The appeal is admitted. Mr. Vora appears for the respondent. Both the advocates have made their submissions. In this case, the order of status quo has been passed on 14th August, 1996 prior whereto bankers of appellants had cleared the payment in their favour. In that view of the matter, status quo in fact would mean

that clearance as effected would continue. The status quo cannot be interpreted in other way. The subsequent order of injunction in the teeth of this position, restraining the appellant from withdrawing any amount from the stock investment account was not called for. For this limited reason and without entering into any other submissions made by the rival parties, order passed by the learned trial Judge on 16/12/1996 below Ex.5 in Regular Civil Suit No.3670 of 1996 is hereby quashed and set aside. The appeal is therefore allowed accordingly. There will be no order as to costs.

ccs